

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Ibert Clifton Wells
Serial No. : Not yet assigned
Filing Date : Not yet assigned
Title : ANTAGONISTS OF THE MAGNESIUM BINDING
DEFECT AS THERAPEUTIC AGENTS AND
METHODS FOR TREATMENT OF ABNORMAL
PHYSIOLOGICAL STATES
Group/Art Unit : Not yet assigned
Examiner : Not yet assigned
Confirmation No. : Not yet assigned
Atty. Docket No. : 800812-0008

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56, § 1.97, and § 1.98, the accompanying form PTO-892 and forms PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The present application is a divisional application of U.S. Application Serial No. 10/230,133, filed August 29, 2002, which is a divisional application of U.S. Application Serial No. 09/635,266, filed August 9, 2000 (now U.S. Patent No. 6,455,734). The cited documents are already of record in the parent case, and therefore, copies are not being submitted with the present statement pursuant to 37 C.F.R. § 1.98(d). Submission of these references is not an admission that the references constitute prior art.

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: October 28, 2003
Signature: Lara Gurlap
Printed Name: Lara Gurlap

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.


Applicant[s] respectfully request[s] that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) or before the mailing of a first Office Action on the merits. Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: 
Nancy T. Morris, Reg. No. 42,017
STINSON MORRISON HECKER LLP
1201 Walnut, Suite 2800
Kansas City, MO 64106-2150
Telephone: (816) 842-8600
Facsimile: (816) 691-3495
Attorney for Applicant[s]

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[illegible][illegible]

Examiner Signature	S. Kumar	Date Considered	7/16/03
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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

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[illegible]

Examiner Signature	S. Kumar	Date Considered	7/17/03
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application Number ~~09/635,266~~ *new 10/230133*
 Filing Date ~~August 9, 2000~~ *here with 8/29/02*
 First Named Inventor Ibert Clifton WELLS
 Group Art Unit 1624 1621
 Examiner Name K. Habte *S. Kumar*
 Attorney Docket Number W16-3 (N1427-002) 2892-106

Sheet

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of

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
<i>86</i>		3,894,995		Reske et al.	07-15-1975
		4,144,244		Brace	03-13-1979
		4,331,570		Klemarczyk et al.	05-25-1982
		4,622,339		Lieb et al.	11-11-1986
<i>4</i>		4,705,897		Alexander	11-10-1987
Examiner Signature	<i>S. Kumar</i>			Date Considered	<i>7/17/03</i>

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	09/635,266 new 10/230,133
				Filing Date	August 9, 2000 renewed 8/29/02
				First Named Inventor	Ibert Clifton WELLS
				Group Art Unit	162 162)
				Examiner Name	S. Kumar
Sheet	1	of	1	Attorney Docket Number	W16-3 (N1427-002) 2892-106
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-Issue number(s), publisher, city and/or country where published			T ^o
8u		EDVINSSON, L., et al., "Reduced levels of calcitonin gene-related peptide (CGRP) but not substance P during and after treatment of severe hypertension in man," <i>J. Human Hypertension</i> , 1989, 3:267-270.			
		FAULHABER, H.D., et al., "Substance P in Human Essential Hypertension," <i>J. Cardiovasc. Pharmacol.</i> , 1987, 10(Suppl. 12):S172-S176.			
		MEYER, P., and MARCHE, P., "Cell Membrane in Hypertension," <i>The American Journal of Medical Sciences</i> , April, 1988, 295(4):396-399.			
		MORI, K., et al., "Decreases in Substance P and Vasoactive Intestinal Peptide Concentrations in Plasma of Stroke-Prone Spontaneously Hypertensive Rats," <i>Jpn. Heart J.</i> , November, 1993, 34(6):785-794.			
		RESNICK, L.M., et al., "Intracellular free magnesium in erythrocytes of essential hypertension: Relation to blood pressure and serum divalent cations," <i>Proc. Natl. Acad. Sci. USA</i> , October, 1984, 81:6511-6515.			
		SANFILIPPO, J.S., et al., "Amniotic Fluid Levels of Substance P," <i>The Journal of Reproductive Medicine</i> , August, 1992, 37(8):733-736.			
u		TAKANO, Y., et al., "Substance P immunoreactivity released from rat spinal cord after kainic acid excitation of the ventral medulla oblongata: a correlation with increases in blood pressure," <i>Brain Research</i> , 1984, 291:168-172.			
Examiner Signature	S. Kumar			Date Considered	7/17/03

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¹Unique citation designation number. ²Applicant is to place a check mark here if English language Translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application Number 09/635,266 ~~1622~~

Filing Date August 9, 2000 8/29/00

First Named Inventor Ibert Clifton WELLS

Group Art Unit ~~1622~~ 162)

Examiner Name S. Kuno

Sheet

1

of

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Attorney Docket Number W16-3 (N1427-002) 2892-106

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
86		5,268,359		Harmar et. al.	12-07-1993
		5,491,140		Bruns et al.	02-13-1996
		5,492,927		Gitter et al.	02-20-1996
		5,525,624		Gitter et al.	06-11-1996
		5,563,133		Hipskind	10-08-1996
		5,565,568		Cho et al.	10-15-1996
		5,594,022		Horwell et al.	01-14-1997
		5,607,947		Hipskind	03-04-1997
		5,610,176		Horwell et al.	03-11-1997
		5,616,562		Murphy et al.	04-01-1997
1		5,670,499		Cho et al.	09-23-1997
86		5,684,033		Cho et al.	11-04-1997
86		5,698,710		Sisto et al.	12-16-1997
Examiner Signature	S. Kuno			Date Considered	7/17/03

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⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.

11040 U.S. PTO
10/23/03



08/29/02

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

Application Number 09/635,266 ~~new~~ 10/230,133
 Filing Date August 9, 2000 ~~revised~~ 8/29/02
 First Named Inventor Ibert Clifton WELLS
 Group Art Unit ~~1814~~ 162)
 Examiner Name S. Kumar

Sheet 2 of 2 Attorney Docket Number W46-3-(N4427-002) 2892-106

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
SC		FRICKEY, P.H., et al., "Preparation and Characterization of Monoclonal Antibodies to Substance P," <i>Hybridoma</i> , Nov. 6, 1991, 10:685-694.	
		HORWELL, D.C., "Use of the Chemical Structure of Peptides as the Starting Point to Design Nonpeptide Agonists and Antagonists at Peptide Receptors: Examples with Cholecystokinin and Tachykinins," <i>Bioorganic & Medicinal Chemistry</i> , 1996, 4(1):1573-1576.	
		MATTINGLY, M.T., et al. "Decreased Cell Membrane Magnesium in Some Essential Hypertension Patients," <i>Clin. and Exper. Hyper.-Theory and Practice</i> , 1991, 13:65-82 (author's reprint enclosed-total of 20 pages). (1)	
		THEODORSSON-NORHEIM, E., et al., "Neuropeptide K: A Major Tachykinin in Plasma and Tumor Tissues from Carcinoid Patients," <i>Biochemical and Biophysical Research Communications</i> , 1985, 131:77-83	
		WELLS, I.C., et al., "Abnormal magnesium metabolism in two rat models of genetic hypertension," <i>Can. J. Physiol. Pharmacol.</i> , 1992, 70:1225-1229.	
Examiner Signature	S. Kumar		Date Considered 7/17/03

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10/830,133

Notice of References Cited

Application/Control No. *101*
09/695,266

Applicant(s)/Patent Under Reexam

*Wells*Examiner *S. Kumar*

Art/Unit

*7621*Page *1* of *1*

U.S. PATENT DOCUMENTS

* A	Document Number Country Code Number Kind Code	Date MM-YYYY ¹	Name	Classification ²
B				
C				
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J				
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11040 U.S. Pat.
10/230133

08/29/02

FOREIGN PATENT DOCUMENTS

* A	Document Number Country Code Number Kind Code	Date MM-YYYY ¹	Country	Name	Classification ²
<i>80</i>	<i>2,166,316</i>	<i>08/1973</i>	<i>France</i>	<i>—</i>	<i>—</i>
<i>50</i>	<i>2,065,879</i>	<i>08/1976</i>	<i>Germany</i>	<i>—</i>	<i>—</i>
B					
D					
H					
S					
T					

NON-PATENT DOCUMENTS

* A	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
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V	
W	
X	

¹ A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).¹ Dates in MM-YYYY format are publication dates.² Classifications may be U.S. or foreign.